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Report by the Ottawa Group on Small Arms.
The Simons Foundation.

October 8, 1999

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THE OTTAWA GROUP
8th October 1999
Held at:
The Simons Foundation, Vancouver, Canada

In Attendance:
Chris Smith, Michael Hallowes, Geraldine O'Callaghan, Christophe Carle, Paddy Rawlinson, Douglas Ross, Vivienne Chin, Yvon Dandurand, Mark Gaillard, Wendy Cukier, Steve Lee, Jen Smith, Jim Hayes (by telephone)

Although this document has been agreed as a true representation of the meeting held by The Ottawa Group, the views contained herewith do not necessarily reflect those of the entire group. In addition the group members acted in an individual capacity and their views do not necessarily reflect the policies of the departments they represent.

Since the last meeting of the Ottawa Group in August 1998 we have witnessed an extraordinary process of consensus building around the need to address the inter-related threats posed by the proliferation and transfer of firearms, small arms and light weapons. The group recognises the role played by NGOs and their efforts to convince the "like-minded" governments that this is perhaps the most important issue on the current international security agenda. These efforts have been met by several governments with a sympathetic ear and a demonstrable commitment to ensure that necessary measures will be taken in the near future. It is instructive to compare the reaction of governments in this area to their responses to other major security issues, such as the need to control the transfer of major conventional weapons and nuclear arms control regimes.

In a remarkably short space of time we now have two major initiatives designed to provide the architecture to begin to address the interrelated problems of firearms trafficking and light weapons proliferation. Work on the UN Firearms Protocol proceeds apace, and the forthcoming UN 2001 Conference to address light weapons proliferation will set in motion efforts to further those currently underway by the Economic and Social Council (UN) (ECOSOC). In addition, there are several developments at the regional level. The European Union (EU) has made significant strides in the area of small arms control, with the agreement of an EU Code of Conduct, on arms exports, the EU programme on illicit trafficking and comprehensive joint action on small arms. The Organisation of American States Convention (OAS) on illicit trafficking is widely recognised as a landmark achievement, though implementation is proving difficult. The Economic Community of West African States (ECOWAS) moratorium is still in its infancy but has the potential to address the light weapons issue in West Africa, pending successful capacity building. Other initiatives include those underway by NATO, OCSE and SADC.

Above all, however, we may currently be witnessing a major transformation in thinking about the interrelationship between security and development. Efforts to give substance to concepts relating to human security reflect a major commitment on the part of some western governments to view security as being fundamental to development. For nearly half a century the development

community has studiously avoided too great an involvement in defence and security issues. This now looks set to change and opens up the possibility of a revolution in development thinking that could be as significant as the neo-liberal revolution of the early 1980's. Efforts to overcome traditional divisions of labour between government departments means that defence and foreign policy institutions are being brought into the equation on equal terms with development aagencies.

Expectations for the Future

Governments are in the process of committing significant political, institutional and financial resources to the light weapons issue. However, the process has only just started and the problems and obstacles that lie ahead should not be underestimated. Just as the Ottawa Convention represents a preliminary step in attempts to eliminate anti personnel landmines and the threats they pose, so the various light weapons initiatives should also be seen as a first step, a means to an end and not an end in themselves. It is imperative that governments appreciate that this is the start of an extremely arduous and expensive process which will require immense political will given the challenges ahead and the competing claims upon scarce resources. It is widely recognised that the problems associated with crime and armed conflict are both complex and challenging. Therefore, it should also be recognised that progress will be slow and setbacks frequent. Even significant agreements may not be sufficient to achieve tangible results in the short term, but this should not be taken to assume that nothing can be achieved over the medium- and long-term. However, the public aversion to weapons and the acknowledgement of their role in the growth in the undermining of human security is growing stronger month by month. This should provide the political basis for a long-term process and should also lead to a public acceptance that significant financial resources will continue to be required; indeed, success in any shape or form will require greater not less, investment.

It is also important that the NGO community maintains realistic expectations in their advocacy programmes, because they too must make long-term commitments and investments to this issue. It would be counterproductive to promise too much too soon.

Constructing Relevant Frameworks

The light weapons issue has emerged to a great extent since the end of the Cold War. It cuts across several traditional areas of international public policy, such as arms control and disarmament, crime, human rights, public health and development. Whilst government departments and international organisations are increasingly working together to address these issues by playing to institutional strengths and recognising institutional weaknesses, we have yet to reach the required level of understanding and agreement as to how to most usefully address this aspect of international public policy. A decade ago, for example, a working interface between the arms control community and law enforcement agencies would have been unthinkable. Now however, meetings involving these and others are commonplace, yet institutional inertia remains a fact of life and there is still much to be done to refine understanding and channels of communication between such disparate groups. During our discussions we recognised on several occasions that institutional interests often outweigh

the need for integrated approaches. In short, future development could be restricted by institutional conservatism. Moreover, we also recognise that the policy making community is moving ahead in efforts to establish a robust intellectual framework that will provide a backdrop for future policy making, at all levels.

Nevertheless, first and foremost, there is a need for academic research and intellectual development, an aspect highlighted in our first report. Beyond this, however, the research community must recognise the difficulties faced by policy makers when it comes to finding the time and opportunities to engage in academic debate. Therefore, it is the responsibility of the research community to ensure that the results of in-depth projects are presented to the policy making community in a more user-friendly fashion than currently exists. Effective policy making and intellectual complexity rarely coexist. Despite the nature of the issues, the contribution of the research community must be more accessible and here the NGO community has a major role to play. Ideally we would wish to see a further co-operation of the divisions between the NGO community, the research community and those responsible for making and implementing policy. If this does not occur there is a significant danger that momentum will be lost. New ideas will not be translated into policy initiatives and there will be inadequate responses to obstacles to progress.

Obversely, policy makers should recognise that the tasks ahead are far from straightforward. We believe they need input and advice from those who have been given the time and space to consider new and eclectic interrelationships in public policy. A frequent complaint is that the research community lacks the resources to be able to develop perspectives that might inform and enhance the development of a suitable and appropriate architecture. We cannot underestimate the complexity of the human security agenda.

For their part policy makers should also be encouraged to listen to practitioners as well as researchers. Whilst the development of policy should be informed by the research community it is also important to listen to those ultimately responsible for implementation. Thus, policies should ideally be informed by those present at the coalface, such as the police and customs, humanitarian aid workers and peace keepers - practitioners should be able to tell governments what will and will not work. For example, tighter controls may only serve to displace smugglers to find new routes that are more difficult to police, as on the border between Greece and Albania which has led to the employment of local shepherds to traffic weapons using inhospitable and certainly uncontrollable ravines and passes.

Policy Initiatives

UN Firearms Protocol

The draft UN Firearms Protocol and the convention to which it will be attached will be the first global instrument focussed on preventing and combating illicit manufacturing of firearms. As such it represents a remarkable step forward. The key elements will be the introduction of an internationally acceptable and appropriate marking regime, and import/export and in-transit licensing system, accurate record keeping, and the strengthening of controls at export points. For those countries that have not yet done so already, the implementation of legislation to criminalise all

aspects of illicit manufacture and trafficking of firearms will be required by the Protocol. Because implementation at the global level will come at different speeds, the Protocol wording includes articles on technical assistance, exchange of experience and training, co-operation, and the establishment of a focal point to facilitate those aspects. This should provide those countries that have already developed the architecture to implement the Protocol with the opportunity to move forward more rapidly than countries that currently experience a "governance gap" in relation to the policies and procedures that are implied by the Protocol. It is intended to be ready for signature by the end of 2000.

Although fundamentally valuable in its own right, it is to be expected that the Protocol will also inform and assist developments elsewhere designed to stem the illicit trafficking and manufacture that leads to the proliferation of small arms and light weapons.

Nevertheless, the Protocol and associated measures and initiatives can only become meaningful if those countries that lack the capability and capacity are afforded the opportunity to develop the means to address the issues covered by the Protocol. This will entail a significant transfer of financial, administrative and intellectual resources if it is to be made to work in any meaningful way.

At this juncture there is concern that first donor states have yet to appreciate resource implications implied by successful implementation and, second, verification issues have yet to be addressed; this raises questions relating to credibility and expectations. Verification is also a perceived flaw in the Ottawa Convention. It is thought that some countries which have both signed and ratified the Convention are still producing and exporting anti personnel landmines. Beyond the cost and claims of capacity building to implement the Protocol, donor governments should be fully aware of the need to offer and implement incentives for countries to sign, ratify and implement the Protocol. Obversely, it is unlikely that attempts to develop conditionality packages will be in any way successful.

Finally, in an era of rapid technological change and globalisation the architects of the Protocol should be fully aware of the inevitable need for the Protocol to develop in such a way as to reflect emerging trends in criminality, just as the Convention itself will have to change to keep pace with emerging and evolving criminal practices. Therefore, ideally the Protocol should be a living document.

The decision to host a UN Conference in 2001 on illicit trade in all its aspects is an opportunity not to be missed. In addition to pursuing further measures on preventing illicit trafficking, the comprehensive framework agreed for this conference allows for the first international discussion of measures to control legal transfers of small arms. That said, the outcome of the 2001 Conference remains unclear. A diverse range of light weapons policies will be discussed. Of salient importance to this group is the need for the Conference to strengthen and develop controls of illegal transfers. Whilst it is recognised that there is an urgent need to focus upon weapons in circulation, new stocks of weapons continue to reach zones of conflict even when local availability is high. It must also be accepted that effective control mechanisms cut across security complexes are far more difficult to implement than national legislation, the more so where there is conflict and state weakness. For example, this will be the major challenge for ECOWAS - how can Charles Taylor be persuaded to

eliminate the movement of weapons from Liberia into Sierra Leone and elsewhere? Similarly, it would be currently impossible for India and Pakistan to even discuss the movement of weapons from Pakistan into Kashmir.
The group agreed that the issue of non-state actors demands urgent attention.

Conclusions

The Ottawa Group consider it important to understand that progress on controlling flows of weapons cannot exist in isolation. In essence, states must build and maintain the capacity to sustain effective control of weapons. Once control is lost the state is liable to collapse. To a large extent, more perhaps than is currently appreciated, this area of international public policy is dependent upon political, economic and social development. The weaker the state, the less its ability to control borders and the activities of criminal organisations. The weaker the economy the less resources will be available to combat crime and provide opportunities for diminishing the demand for illegal weapons. If civil society breaks down or fails to function, the social pressures that militate against the acquisition of weapons will either cease to exist or cease to be effective. The existence and location of weapons *per se* is an important part of the problem. It is also the atmosphere and environment in which they become available and dangerous that must also be addressed.

Light weapons proliferation cannot be separated from issues of good governance and peace building. Second, it must be accepted that this process will be largely political. It will be impossible to convince developing countries and weaker states to adopt programmes of reform if there is no sign of movement elsewhere. The further universalisation of the Ottawa Convention, for example, is currently constrained by the perceived belief that the United States is disinterested in the landmine issue. The same must not be allowed to happen in the case of small arms and light weapons.

The success of international initiatives to tackle the global small arms issues is reliant on the strength of the weakest states to implement the necessary architecture. Canada has a leading role to play in encouraging support for these developing states.

The Ottawa Group would like to thank the Canadian Centre for Foreign Policy Development for providing another opportunity for us to meet to discuss issues of mutual concern. We would also like to thank the International Centre for Criminal Law Reform and Criminal Justice Policy for hosting the meeting and Jennifer Simons of the Simons Foundation for providing the facilities for the meeting.

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